## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

GEROLD CENTENO,

Case No. 2:23-cv-02131-JAD-DJA

Plaintiff

**ORDER** 

٧.

STEVEN GRIERSON, et al.,

Defendants

## I. DISCUSSION

On January 11, 2024, the Court ordered Plaintiff to either pay the \$405 filing fee or file a complete application to proceed *in forma pauperis* by March 15, 2024. (ECF No. 5). Plaintiff subsequently filed a first amended complaint, which included a financial certificate and a prison trust fund account statement for the previous six-month period as an exhibit. (ECF No. 6 at 1-8). Because of the financial documents, the Clerk's Office filed the document as an application to proceed *in forma pauperis*, with an attached complaint. (ECF Nos. 6, 6-1). However, Plaintiff subsequently filed a notice stating that the documents were only intended to be an exhibit to the complaint, they were not intended to be an application to proceed *in forma pauperis*, and that he had not yet filed an application to proceed *in forma pauperis*. (ECF No. 7).

Rather than filing an application to proceed *in forma pauperis*, Plaintiff filed three identical motions requesting a 45-day extension of time. (ECF Nos. 9, 10, 11). In his motions, Plaintiff states that he requested financial documents from the Nevada Department of Corrections in January 2024, but has not yet received them. (*Id.*) However, Plaintiff attached the necessary financial documents to his first amended complaint, and the Court notes that those documents are from January 2024. It is not clear why Plaintiff has not filed an application to proceed *in forma pauperis* with these documents. Nonetheless, the Court will give Plaintiff an extension until April 15, 2024, to file a complete application to proceed *in forma pauperis*.

## II. CONCLUSION

It is therefore ordered that Plaintiff's application to proceed *in forma pauperis* (ECF No. 6) is **DENIED** without prejudice.

It is further ordered that Plaintiff's motions for a 45-day extension of time to file an application to proceed *in forma pauperis* (ECF Nos. 9, 10, 11) are **GRANTED** in part and **DENIED** in part. The Court grants Plaintiff **until April 15, 2024**, to either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

DATED this 13th day of March 2024.

UNITED STATES MAGISTRATE JUDGE